

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANDREW SMIGELSKI, :
: :
Plaintiff, : Case No. 2:20-cv-4812
: JUDGE SARAH D. MORRISON
v. : MAGISTRATE JOLSON
: :
GREGG CLULEY, *et al.*, :
: :
Defendants. : :
:

ORDER

This matter is before the Court for consideration of a Report and Recommendation issued by the Magistrate Judge Jolson on December 4, 2020. (ECF No. 7). The time for filing objections has passed, and no objections have been filed. Therefore, the Court **ADOPTS** the Report and Recommendation in full. For the reasons set forth in the Report and Recommendation, Plaintiff's request to proceed *in forma pauperis* is **GRANTED**. Plaintiff shall be permitted to proceed with his claims against: (1) Defendants Unnamed SEORJ Guards for their alleged unconstitutional collection of his DNA; (2) Defendant Cluley for his alleged misrepresentations in obtaining a search warrant; and (3) Defendants Mowery, Skinner, and Gabriel for their alleged excessive force against Plaintiff. Plaintiff's remaining claims are **DISMISSED**. Plaintiff has already timely amended his Complaint. (ECF No. 8.) Finally, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that for the reasons set forth in the Report and Recommendation an

appeal of this Order would not be taken in good faith and, consequently, leave for Plaintiff to appeal *in forma pauperis* is **DENIED**.

IT IS SO ORDERED.

s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE